

Senate File 2415 - Introduced

SENATE FILE _____
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 595)
(SUCCESSOR TO SSB 1329)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing certain counties to participate in a pilot
2 project for emergency response districts and providing for a
3 district tax levy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6674SZ 82
6 md/sc/5

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1 1 Section 1. NEW SECTION. 357I.1 AUTHORIZATION AND
1 2 PURPOSE.
1 3 This chapter authorizes a pilot project for which a county
1 4 of the state may establish an emergency response district.
1 5 The purpose of this chapter is to provide a county within
1 6 the state an opportunity to participate in a pilot project
1 7 having a new governance structure to facilitate the delivery
1 8 and funding of fire protection service and emergency medical
1 9 service to residents of the county.
1 10 Sec. 2. NEW SECTION. 357I.2 DEFINITIONS.
1 11 As used in this chapter, unless the context otherwise
1 12 requires:
1 13 1. "Board" means the board of supervisors of a county.
1 14 2. "Commission" means a governing body composed of a
1 15 member of the board of supervisors, the sheriff, and the mayor
1 16 from each city within the district.
1 17 3. "District" means an emergency response district.
1 18 Sec. 3. NEW SECTION. 357I.3 MOTION FOR PUBLIC HEARING.
1 19 1. The board of supervisors of any county having a
1 20 population of at least sixteen thousand nine hundred
1 21 twenty-five but not more than sixteen thousand nine hundred
1 22 fifty, according to the 2000 certified federal census, shall,
1 23 on the board's own motion, hold a public hearing concerning
1 24 the establishment of a proposed district. The motion shall
1 25 include a statement containing the following information:
1 26 a. The need for fire protection service and emergency
1 27 medical service.
1 28 b. The geographic boundaries of the district to be served.
1 29 c. The approximate number of families in the district.
1 30 d. The proposed personnel, equipment, and facilities to
1 31 provide the fire protection service and emergency medical
1 32 service.
1 33 2. The board of supervisors shall notify the state fire
1 34 marshal's office that a motion has been adopted to form a
1 35 district.
2 1 Sec. 4. NEW SECTION. 357I.4 DISTRICT.
2 2 The boundary lines of a district may include any
2 3 incorporated or unincorporated areas within a county.
2 4 Sec. 5. NEW SECTION. 357I.5 TIME OF HEARING.
2 5 The public hearing required in section 357I.3 shall be held
2 6 within thirty days of the adoption of the motion. Notice of
2 7 hearing shall be given by publication in two successive issues
2 8 of any newspaper of general circulation within the district.
2 9 The last publication shall be not less than one week before
2 10 the proposed hearing.
2 11 Sec. 6. NEW SECTION. 357I.6 DISTRICT ESTABLISHED == PLAN
2 12 == PILOT AUTHORIZED.
2 13 1. Within ten days after the hearing, the board shall
2 14 adopt a resolution establishing the district or abandoning the
2 15 board's motion.
2 16 2. Within ten days after establishing a district, the

2 17 board shall submit a plan to the state fire marshal's office
2 18 and the county finance committee. The plan shall include all
2 19 of the following:

2 20 a. Personnel, equipment, facilities, and other available
2 21 resources that may be shared by all of the various fire
2 22 departments and emergency medical service providers within the
2 23 district.

2 24 b. Financial information demonstrating the ability to
2 25 provide fire protection service and emergency medical service
2 26 to the residents of the district.

2 27 c. A plan for transition of delivery and funding of fire
2 28 protection service and emergency medical service to the new
2 29 district.

2 30 3. The county finance committee shall review the
2 31 district's financial information, including revenues,
2 32 expenditures, and budget items as well as the financial
2 33 implications and plan for transitioning to a new financing
2 34 structure. Within thirty days after receiving the plan, the
2 35 county finance committee shall report its findings to the
3 1 state fire marshal.

3 2 4. The state fire marshal shall consider the county
3 3 finance committee's findings and review the district's
3 4 personnel, equipment, facilities, and other available
3 5 resources that may be shared by all of the various fire
3 6 departments and emergency medical service providers as well as
3 7 the practical considerations and plan for transitioning to a
3 8 new structure for delivering fire protection service and
3 9 emergency medical service to the district. The state fire
3 10 marshal shall determine whether the district can successfully
3 11 deliver fire protection service and emergency medical service
3 12 throughout the district.

3 13 5. Within sixty days of receiving the board's plan, the
3 14 state fire marshal shall notify the board whether the board's
3 15 plan is approved.

3 16 Sec. 7. NEW SECTION. 357I.7 PILOT PROJECT == FIVE YEARS
3 17 == REPORT.

3 18 1. A district established by the board and having a plan
3 19 approved by the state fire marshal under section 357I.6 is
3 20 authorized to proceed and continue as a pilot project for five
3 21 years beginning on July 1 of the fiscal year following the
3 22 date of the board's resolution establishing the district.
3 23 However, if the date of the board's action falls after
3 24 November 1, the pilot project shall not begin until July 1 of
3 25 the fiscal year subsequent to the next following fiscal year.

3 26 2. The commission shall submit an annual report to the
3 27 state fire marshal summarizing the results of the pilot
3 28 project, including the strengths of the project, whether
3 29 delivery of fire protection service and emergency medical
3 30 service was improved throughout the district, and additional
3 31 measures needed to improve the delivery of such services.

3 32 Sec. 8. NEW SECTION. 357I.8 ENGINEER.

3 33 1. When the pilot project is approved, the board shall
3 34 appoint a civil engineer or county engineer who shall prepare
3 35 a preliminary plat showing:

4 1 a. The proper design in general outline of the district.

4 2 b. The lots and parcels of land within the proposed
4 3 district as they appear on the county auditor's plat books
4 4 with the names of the owners.

4 5 c. The assessed valuation of the lots and parcels.

4 6 2. The board shall determine the compensation for the
4 7 engineer's preliminary investigation. The engineer shall file
4 8 a report with the county auditor within thirty days of
4 9 appointment. The board may extend the time upon good cause
4 10 shown.

4 11 Sec. 9. NEW SECTION. 357I.9 HEARING ON ENGINEER'S
4 12 REPORT.

4 13 After the engineer's report is filed, the board shall give
4 14 notice, as provided in section 357I.5, of a public hearing to
4 15 be held concerning the engineer's preliminary plat. Within
4 16 ten days after the hearing, the board shall, by resolution,
4 17 approve or disapprove the engineer's plan.

4 18 Sec. 10. NEW SECTION. 357I.10 APPROVAL OF DISTRICT
4 19 PROPERTY TAX LEVY.

4 20 Annually, the commission shall propose the levy of a tax of
4 21 not more than one dollar and sixty and three-quarters cents
4 22 per one thousand dollars of assessed value on all taxable
4 23 property within the district. The commission shall hold a
4 24 public hearing within thirty days of the commission's approval
4 25 of a proposed property tax levy rate to receive public
4 26 comment. Notice of the hearing shall be given by publication
4 27 in a newspaper of general circulation within the district and

4 28 shall be posted in a public place in each city within the
4 29 district no less than ten days before the public hearing. The
4 30 notice shall include the commission's proposed property tax
4 31 levy rate, the reason for the tax, and the time when and the
4 32 place where the hearing shall be held. The commission shall
4 33 be considered a municipality for purposes of adopting and
4 34 certifying a budget pursuant to chapter 24 and shall set the
4 35 property tax levy rate no more than ten days following the
5 1 public hearing. The tax shall be set to raise only the amount
5 2 needed.

5 3 Sec. 11. NEW SECTION. 357I.11 GOVERNANCE AUTHORITY ==
5 4 COMMISSION.

5 5 The district shall be governed by a commission, as defined
5 6 in section 357I.2.

5 7 Sec. 12. NEW SECTION. 357I.12 COMMISSION POWERS.

5 8 1. The commission may purchase, own, rent, or maintain
5 9 fire and emergency medical services apparatus or equipment
5 10 within the state or outside the territorial jurisdiction and
5 11 boundary limits of this state, provide housing for such
5 12 apparatus and equipment, provide fire protection service and
5 13 emergency medical service and facilities, and may certify for
5 14 levy an annual tax as provided in section 357I.10. The
5 15 commission may purchase material, employ fire protection
5 16 service personnel, emergency medical service personnel, and
5 17 other personnel, and may perform all other acts necessary to
5 18 properly maintain and operate the district. The commission
5 19 may contract under chapter 28E with any city or county or
5 20 public or private agency that is not a member of the district
5 21 for the purpose of providing fire protection service or
5 22 emergency medical service under this chapter. The
5 23 commissioners are allowed necessary expenses in the discharge
5 24 of their duties.

5 25 2. The commission shall draw the boundaries of fire and
5 26 emergency medical services areas within the district to be
5 27 assigned to various fire departments and stations throughout
5 28 the district.

5 29 Sec. 13. NEW SECTION. 357I.13 DISTRICT FIRE CHIEF.

5 30 The commission shall appoint a district fire chief who
5 31 shall serve at the pleasure of the commission and shall be
5 32 responsible for the coordination of fire protection service
5 33 and emergency medical service throughout the district.

5 34 Sec. 14. NEW SECTION. 357I.14 FIRE CHIEFS.

5 35 The district fire chief shall appoint an assistant fire
6 1 chief for each existing fire department and station within the
6 2 district who shall be responsible for delivery of fire
6 3 protection service and emergency medical service within the
6 4 areas designated by the commission pursuant to section
6 5 357I.12.

6 6 Sec. 15. NEW SECTION. 357I.15 CITIES WITHIN THE
6 7 DISTRICT.

6 8 If a city is included in a district, the maximum tax levy
6 9 authorized for the general fund of that city under section
6 10 384.1 shall be reduced by the amount of the tax rate levied
6 11 within the city by the district. Such city shall not be
6 12 responsible for providing fire protection service and
6 13 emergency medical service as provided in section 364.16, and
6 14 shall have no liability for the method, manner, or means by
6 15 which the district provides the fire protection service and
6 16 emergency medical service.

6 17 Sec. 16. NEW SECTION. 357I.16 BONDS IN ANTICIPATION OF
6 18 REVENUE.

6 19 A district may anticipate the collection of taxes by the
6 20 levy authorized in section 357I.10, and to carry out the
6 21 purposes of this chapter may issue bonds payable in not more
6 22 than ten equal installments with the rate of interest not
6 23 exceeding that permitted by chapter 74A. An indebtedness
6 24 shall not be incurred under this chapter until authorized by
6 25 an election. The election shall be conducted by the county
6 26 commissioner of elections pursuant to chapters 39 through 53.
6 27 The commission shall give the county commissioner of elections
6 28 thirty-two days' notice of the special election.

6 29 Sec. 17. NEW SECTION. 357I.17 TRANSITION == TOWNSHIP TAX
6 30 DISCONTINUED.

6 31 When the boundary lines of the district include all or a
6 32 portion of a township and the district has certified a tax
6 33 levy within the township for the purpose of fire protection
6 34 service and emergency medical service, the township trustees
6 35 shall no longer levy the tax provided by section 359.43 in
7 1 that portion of the township provided services by the
7 2 district. Any indebtedness incurred for the purposes of
7 3 sections 359.42 through 359.45 for a service now provided by

7 4 the district shall be assumed by the district.
7 5 Sec. 18. NEW SECTION. 357I.18 TRANSITION == EMERGENCY
7 6 MEDICAL SERVICES DISTRICT TAXES DISCONTINUED.
7 7 When the boundary lines of the emergency response district
7 8 include all or a portion of an emergency medical services
7 9 district under chapter 357F or chapter 357G and the emergency
7 10 response district has certified a tax to be levied on property
7 11 located within the emergency medical services district for the
7 12 purpose of emergency medical service, the emergency medical
7 13 services district trustees shall no longer levy the taxes
7 14 authorized in section 357F.8 or section 357G.8 in that portion
7 15 of such emergency medical services district that is provided
7 16 services by the emergency response district. Any indebtedness
7 17 incurred by an emergency medical services district under
7 18 chapter 357F or chapter 357G for a service now provided by the
7 19 emergency response district shall be assumed by the emergency
7 20 response district.

7 21 EXPLANATION

7 22 This bill authorizes a county with a population of at least
7 23 16,925 but not more than 16,950 to participate in a pilot
7 24 project to establish an emergency response district. The
7 25 boundaries of the district may include any incorporated or
7 26 unincorporated areas within a county. The bill provides
7 27 procedures for establishing such a district upon the motion of
7 28 the county board of supervisors and requires a public hearing
7 29 on a proposed district.

7 30 Once a public hearing is held, the bill provides that the
7 31 board of supervisors may establish the district by resolution.
7 32 The bill provides that the board submit a plan to the state
7 33 fire marshal's office and the county finance committee that
7 34 includes all of the following:

7 35 1. Personnel, equipment, facilities, and other available
8 1 resources that may be shared by all of the various fire
8 2 departments and emergency medical service providers.

8 3 2. Financial information demonstrating the ability to
8 4 provide fire protection service and emergency medical service
8 5 to the residents of the district.

8 6 3. A plan for transitioning to the new district.

8 7 The bill provides that after the county finance committee
8 8 has reviewed the financial information and reported its
8 9 findings to the state fire marshal, the state fire marshal
8 10 shall review the findings as well as the personnel, equipment,
8 11 facilities, and other resources of the district to determine
8 12 whether the district can successfully deliver services
8 13 throughout the district.

8 14 A district established by the board and having an approved
8 15 plan by the state fire marshal is authorized to proceed and
8 16 continue as a pilot project for five years beginning on July 1
8 17 of the fiscal year following the date of the board's
8 18 resolution establishing the district. However, if the date of
8 19 the board's action falls after November 1, the pilot project
8 20 shall not begin until July 1 of the fiscal year subsequent to
8 21 the next following fiscal year.

8 22 The bill requires that at the end of five years the
8 23 commission that governs the district submit a report to the
8 24 state fire marshal summarizing the results of the pilot
8 25 project, including the strengths of the project, whether
8 26 delivery of fire protection service and emergency medical
8 27 service was improved throughout the district, and additional
8 28 measures needed to improve the delivery of such services.

8 29 The bill provides that the commission, composed of a member
8 30 of the board of supervisors, the sheriff, and the mayor from
8 31 each city within the district, may annually levy a tax of not
8 32 more than \$1.60 and three-fourths cents per \$1,000 of assessed
8 33 value on all the taxable property within the district after
8 34 holding a public hearing on the proposed property tax levy
8 35 rate. The bill also provides that the district may issue

9 1 bonds if the indebtedness is authorized by election.
9 2 The bill provides that the commission appoint a district
9 3 fire chief who shall serve at the pleasure of the commission
9 4 and shall be responsible for the coordination of fire
9 5 protection service and emergency medical service throughout
9 6 the district. The district fire chief is responsible for
9 7 appointing an assistant fire chief for each existing fire
9 8 department and station within the district who shall be
9 9 responsible for delivery of fire protection service and
9 10 emergency medical service within the areas designated by the
9 11 commission.

9 12 Finally, the bill provides a transition provision from
9 13 township-funded fire protection and emergency medical services
9 14 to funding by the newly created district. The bill also

9 15 provides that any indebtedness incurred by the township
9 16 trustees for these services shall be assumed by the district.
9 17 The bill also provides similar transition provisions relating
9 18 to existing emergency medical services districts established
9 19 under Code chapter 357F or Code chapter 357G.
9 20 LSB 6674SZ 82
9 21 md/sc/5